

**ASSEMBLY BILL**

**No. 3009**

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**Introduced by Assembly Member Brownley**

February 22, 2008

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An act to add Section 6018.3 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 3009, as introduced, Brownley. Sales and use taxes: consumers: itinerant vendors.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or on the storage, use, or other consumption in this state of, tangible personal property. That law, with certain exceptions, defines a retailer as a seller who makes any retail sale of tangible personal property and as a person who makes more than 2 retail sales of tangible personal property during any 12-month period.

This bill would, for purposes of the Sales and Use Tax Law, specify that a qualified itinerant vendor, as defined, is a consumer, and not a retailer, of food products and nonalcoholic beverages he or she sells.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6018.3 is added to the Revenue and
- 2 Taxation Code, to read:

1     6018.3. (a) A qualified itinerant vendor is a consumer of, and  
2 shall not be considered a retailer of, food products and nonalcoholic  
3 beverages that he or she sells.

4     (b) For purposes of this section, “qualified itinerant vendor”  
5 means a person who was a member of the United States Armed  
6 Forces, who received an honorable discharge or a release from  
7 active duty under honorable conditions from service, and who, for  
8 the purposes of selling food products and beverages, has no  
9 permanent place of business in this state.

10    (c) For purposes of this section, “permanent place of business”  
11 means any building or other permanently affixed structure,  
12 including a residence, that is used in whole or in part for the  
13 purpose of making sales of, or taking orders and arranging for  
14 shipment of, food products and beverages.

15    SEC. 2. This act provides for a tax levy within the meaning of  
16 Article IV of the Constitution and shall go into immediate effect.  
17 However, the provisions of this act shall become operative on the  
18 first day of the first calendar quarter commencing more than 90  
19 days after the effective date of this act.